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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,017	12/17/2004	Anders Jonsson	PAH-102	8955

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EXAMINER	
MYERS, GLENN F	

ART UNIT	PAPER NUMBER
3652	

MAIL DATE	DELIVERY MODE
03/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/502,017	JONSSON, ANDERS	
	Examiner	Art Unit	
	GLENN MYERS	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 October 2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (FTO/SB/08) Paper No(s)/Mail Date *7/19/04, 12/17/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 12/17/2004 is being considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dessaux et al 5,071,184 and in view of Hansson et al 4,989,652.

5. In Re Claim 1, Dessaux et al teaches a rotator (Fig. 1, Device) for a jib-carried tool, including tree working units, wherein the rotator includes a stator (Fig. 4, Pulley Block Body 11) and a rotor (Fig. 4, Grappling Element 15), and wherein said rotator is connected to a tip (Fig. 1, Tip 7) of the jib or arm (Fig. 1, Boom 3) via a link arrangement (Fig. 1, Lifting Cable 4) and to said tool (Fig. 1, Turning Hook 9) , characterized in that the rotator or its surroundings includes means for determining the relative position of rotation between the rotor and the stator and limiting the extent of rotation of the rotor

relative to the stator based upon said determined relative position for limiting twisting of attached hoses and/or cables and to enhance automatisation (Column 3, Lines 25-31).

6. With regards to "means for (70, 71) for determining the relative position of rotation between rotor (30) and stator (20)". This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 USC 112 6th paragraph. In the instant specification, page 3, lines 34 – 37 and page 4 lines 1 thru 6, the said means for determining the relative position of rotation between rotor (30) and stator (20) is shown as pulse emitter (70) and grooves (71) in Fig. #2. Dessaux '184 discloses a relative position sensor as a means for determining the relative position of rotation between rotor (Fig. 4, Grappling Element 15) and stator (Fig. 4, Pulley Block Body 11), (Column 4, Lines 50 thru 54). A relative position sensor as a means for determining relative position of rotation between a rotor and a stator is considered to be interchangeable with the applicants pulse emitter and grooves because it and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

7. Dessaux '184 does not teach a hydraulically driven rotator.

8. However, Hansson '652 in Column 2, Lines 54 thru 56 teaches a hydraulically driven rotator.

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hydraulically driven rotator as taught by Hansson '652 in order to drive the rotator without electricity.

10. In Re Claim 9, under the principles of obviousness, if a prior art combination, in its normal and usual operation, would necessarily perform the method claimed, then the

method claimed will be considered to be obvious over the prior art combination. When the prior art combination is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will obviously perform the claimed process. *In re King, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).* MPEP 2112.02

11. Claims 2 thru 8 and 10 thru 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dessaux '184/Hanson '652 as applied to claims 1 and 9 above, and further in view of Strauss et al 5,988,126.

12. In Re Claim 2, Dessaux '184/Hanson '652 has been discussed above, but does not teach using a pulse emitter and pulse generating elements as the means for determining the relative position of rotation.

13. However, Strauss '126 teaches a pulse emitter (19) with pulse generating elements for determining the relative position of rotation of a rotating element. (Column 5, Lines 38 thru 47).

14. Because both Dessaux '184 and Strauss '126 teach methods for determining the relative position of a rotating object it would have been obvious to one skilled in the art at the time of the invention to substitute the rotary sensor of Dessaux '184/Hanson '652 with the pulse emitter and pulse generating elements of Strauss '126 to achieve the predictable result of determining the relative position of the rotor with respect to the stator. KSR Int'l Co. V. Teleflex Inc. 550 U.S.___, 82 USPQ 2d 1385 (Supreme Court 2007) (KSR)

15. In Re Claim 4, Dessaux '184 teaches a means for determining the relative position of rotation of the rotor that is carried by the stator. Dessaux '184 does not teach using pulse generating elements carried by the rotor.

16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the pulse generating elements carried by the stator, since it has been held that rearranging parts of an invention involves only routine skill in the art. In Re Japikse, 86 USPQ 70. Please note that in the instant application, page 4, lines 20 thru 24, applicant has not disclosed any criticality for the claimed limitation.

17. In Re Claim 3, Dessaux '184 as discussed above discloses the claimed invention except for the rotor carrying the pulse emitter and the stator carrying the pulse generating elements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the location of the pulse emitter and pulse generating elements of claim 4 above, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein,* 8 USPQ 167. Please note that in the instant application, page 4, lines 20 thru 24, applicant has not disclosed any criticality for the claimed limitations.

18. In Re Claim 5, In Column 3 Lines 5 thru 15 Hansson teaches, a rotator according to Claim 1, characterized in that a supply of pressure medium to the rotator is effected through the medium of connection points in the stator. FIG. 2

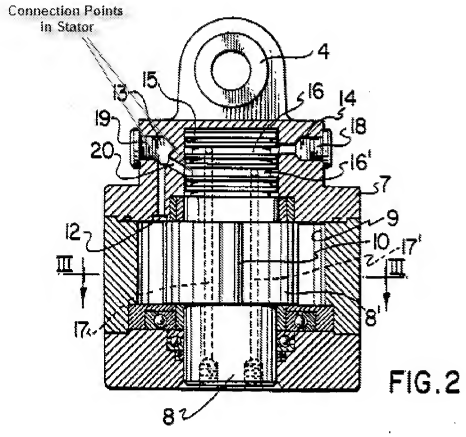

FIG.2

19. In Re Claim 6, Hansson '652 teaches, a rotator according to Claim 1, characterized in that a supply of pressure medium to the tool is effected through the medium of a swivel coupling (Fig. 2, Swivel Connection 15) and through the medium of channels in the rotor (Fig. 2, Second Duct 17, 17'). See Figure 2 above.

20. In Re Claims 7 and 8, Dessaux '184 teaches:

A rotator according to Claim 1, characterized in that a supply of pressure medium to the tool is effected through the medium of at least one transit hole (Fig. 4, Orifice 44) extending longitudinally through the rotor.

A rotator according to Claim 1, characterized in that the supply of electric power and/or the supply of signals to the tool is effected through the medium of at least one transit hole (Fig. 4, Orifice 44) extending longitudinally through the rotor.

21. In Re Claim 10, Hansson '652 teaches a rotator (Fig. 1, Rotator 3) according to Claim 2, characterized in that a supply of pressure medium (Fig. 1, Hydraulic Hoses 5) to the rotator is effected through the medium of connection points in the stator (Fig. 2, Housing 7). Fig. 2 Above

22. In Re Claim 11, Hansson '652 teaches a rotator (Fig. 1, Rotator 3) according to Claim 3, characterized in that a supply of pressure medium (Fig. 1, Hydraulic Hoses 5) to the rotator is effected through the medium of connection points in the stator (Fig. 2, Housing 7). Fig. 2 Above.

23. In Re Claim 12, Hansson teaches a rotator (Fig. 1, Rotator 3) according to Claim 4, characterized in that a supply of pressure medium to the rotator (Fig. 1, Hydraulic Hoses 5) is effected through the medium of connection points in the stator (Fig. 2, Housing 7).

24. In Re Claim 13, Hansson '652 teaches a rotator according to Claim 2, characterized in that the supply of pressure medium (Fig. 1, Hydraulic Hoses 7) to the tool (Fig. 1, Unit 1) is effected through the medium of a swivel coupling (Fig. 2, Swivel Connections 15) and through the medium of channels (Fig. 2, Second Duct 17, 17') in the rotor (Fig. 2, Shaft 8).

25. In Re Claim 14, Hansson '652 teaches A rotator according to Claim 3, characterized in that a supply of pressure medium (Fig. 1, Hydraulic Hoses 7) to the tool

(Fig. 1, Unit 1) is effected through the medium of a swivel coupling (Fig. 2, Swivel Connections 15) and through the medium of channels (Fig. 2, Second Duct 17, 17') in the rotor Fig. 2, Shaft 8).

26. In Re Claim 15, Hansson '652 teaches a rotator according to Claim 4, characterized in that a supply of pressure medium (Fig. 1, Hydraulic Hoses 7) to the tool (Fig. 1, Unit 1) is effected through the medium of a swivel coupling (Fig. 2, Swivel Connections 15) and through the medium of channels (Fig. 2, Second Duct 17, 17') in the rotor Fig. 2, Shaft 8).

27. In Re Claim 16, Dessaux '182 teaches at least one transit hole (Fig. 4, Orifice 44) extending longitudinally through the rotor.

28. In Re Claim 17, Dessaux '182 teaches at least one transit hole (Fig. 4, Orifice 44) extending longitudinally through the rotor.

29. In Re Claim 18, Dessaux '182 teaches at least one transit hole (Fig. 4, Orifice 44) extending longitudinally through the rotor.

30. In Re Claim 19, Dessaux '182 teaches at least one transit hole (Fig. 4, Orifice 44) extending longitudinally through the rotor.

31. In Re Claim 20, Dessaux '182 teaches at least one transit hole (Fig. 4, Orifice 44) extending longitudinally through the rotor.

Response to Arguments

32. Applicant's arguments filed 10/26/09 have been fully considered but they are not persuasive. In Response to applicant argument that the Dessaux patent fails to teach or disclose means for limiting the extent of rotation of the rotor relative to the stator, based

upon the determined relative position of the rotor and the stator, for limiting the twisting of attached hoses and cables, the Dessaux patent teaches a means for limiting the extent of rotation of the rotor relative to the stator based upon said determined relative position for limiting twisting of attached hoses and/or cables and to enhance automatisation (Column 3, Lines 25-31).

33. In response to applicant's arguments against the Hansson patent individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Hannson teaches a hydraulically driven rotor and is not relied upon to teach or suggest means for determining the relative position of a rotor and a stator, and limiting the extent of rotation of the rotor relative to the stator based upon the determined relative position, to limit the twisting of attached hoses and cables.

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moon et al 6,408,906 discloses a gripping and cutting apparatus. Mattson et al 6,315,344 discloses a grapple positioning device. Larsson 5,445,197 discloses a tree processing assembly. Dressler et al 4,124,047 discloses an arrangement for harvesting timber. Ericsson 4,083,463 discloses a suspension device for a felling unit. Dunbar 3,908,695 discloses a hydraulic rotary unit.

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GLENN MYERS whose telephone number is (571)270-1160. The examiner can normally be reached on Monday - Friday/7:30AM-5:00PM - 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3652

/Saúl J. Rodríguez/
Supervisory Patent Examiner, Art Unit 3652